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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/706,888

11/13/2003

Prabodh P. Parekh

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04/11/2008

INTERNATIONAL FLAVORS & FRAGRANCES INC.
521 WEST 57TH ST
NEW YORK, NY 10019

EXAMINER

SPIELER, SHAHRZAD

ART UNIT

PAPER NUMBER

1612

MAIL DATE

DELIVERY MODE

04/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/706,888	Applicant(s) PAREKH ET AL.	
	Examiner SHAHRZAD SPIELER	Art Unit 1612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2 sheets</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims included in prosecution are 1-21. The response to the request for information received 06/13/2007 has been considered.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 9, 13, and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as what is meant by "substantially" as recited in claim 9.

3. Claims 18 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 18 contain the phrases "consistently-maintained" and "substantially monophasic." It is unclear what is being conveyed by "consistently" and "substantially."

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 18 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification does not reasonably provide enablement for "thermally reversible." The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims. As defined in the specification, "thermally reversible" characteristic of the

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composition, as disclosed, will "retain its original dimensions on use thereof, and subsequent use thereof." The disclosure is not enabling as to retention of dimension upon any use either first or subsequent. The disclosure doesn't indicate how to make a solid deodorant composition that does not lose original dimensions upon first or subsequent use.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Connor (6432891) in view of Triplett (2003/0199402)

3. O'Connor teaches a method of counteracting a malodor in a solid or liquid, soap or detergent caused by a compound. The method comprises introducing into the solid or liquid, soap or detergent an effective malodor counteracting amount of a malodor counteracting compound selected from the group consisting of 1-cyclohexyl-ethyl-butyrate, 1-cyclohexyl-ethyl-acetate, 1-cyclohexyl-ethanol, 4-isopropyl-cyclohexyl-propionate, and phenoxyacetic acid 2-hydroxy-ethyl ester. The perceived total odor intensity in the solid or liquid, soap or detergent is reduced and the perceived malodor intensity in the solid or liquid, soap or detergent is substantially eliminated. The malodor counteracting compositions may be used in a wide variety of solid or liquid, soaps or detergents (see Abstract).

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O'Connor further teaches the method comprises introducing into the solid or liquid, soap or detergent an effective malodor counteracting amount of a mixture comprising from about 0.5% to about 10% of a solution of ambroxan in dipropylene glycol, about 9.5% of boisvelone, about 10% of lyral, about 30% of phenyl propyl alcohol, about 10% of cyclohexyl-ethyl-acetate, and about 10% of 4-isopropyl-cyclohexyl-propionate (see column 6, lines 57-65, claim 19, and Examples). In the Examples taught by O'Connor,, the examiner points out that the VELIX products used are the same mixtures of cyclohexyl compounds used in instant application.

4. What is lacking in O'Connor is the teaching of zinc ricinoleate in the claimed composition.

5. Triplett teaches a composition for reducing malodors in the air and on inanimate surfaces comprises a combination of at least one malodor neutralizing agent, at least one malodor binding agent, at least one malodor masking agent, and at least one performance agent. In accordance with one embodiment of the invention, the composition includes a surfactant component, a water dispersible polymer component, a metallic salt, a fragrance component, and a liquid carrier (see Abstract).

Triplett further teaches zinc ricinoleate controls malodors selectively through a chemical binding of low molecular weight organic compounds containing the osmogene functional groups. On the other hand, zinc ricinoleate generally has no effect on carbonylic groups, such as aldehydes and ketones, which comprise typical perfume and fragrance components. Preferably, in the present inventive composition, zinc ricinoleate molecules complex with one or more malodor molecules, depending on the size and shape of the malodor molecule(s). Once the complex is formed, it is a stable complex,

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that is, the malodor molecule will not be released from the zinc ricinoleate, even when the substrate dries. The amount of zinc ricinoleate as taught in Triplett is from about 0.01% to 5% of the total composition (see paragraphs 0065 - 0067).

Triplett further teaches an exemplary embodiment of the present invention, an article of manufacture comprises a spray dispenser and a malodor-reducing composition. The malodor-reducing composition in accordance with one of the various embodiments described in greater detail hereinabove is placed into a spray dispenser suitable for distributing the composition into the air or onto an inanimate surface, such as, for example, a fabric article or other fibrous surface, such as carpeting. The spray dispenser may comprise any manually operated or automated means of producing a mist of liquid droplets, such as, for example, trigger-type, pump-type, non-aerosol self-pressurized, and aerosol-type spray means (see paragraph 0092).

6. It would have been obvious at the time of the invention for one of ordinary skill in the art to use a composition containing both the cyclohexan compositions taught by O'Connor and the zinc ricinoleate taught by Triplett to result in the claimed invention with a reasonable expectation of success. Accordingly, absence of the showing of unexpected results, it would have been obvious to a skilled artisan at the time of the invention to employ the compounds of O'Connor to contain the claimed cyclohexans and zinc ricinoleate compositions with the expectation of obtaining at least an additive effect, because cyclohexans are known to be used as malodor reducing agents, as shown by Triplett.

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It is noted the “It is prima facie obvious to combine two compositions each of which is taught by the prior art to be useful for the same purpose, in order to form a third composition to be used for the very same purpose.... [T]he idea of combining them flows logically from their having been individually taught in the prior art.” In re Kerkhoven, 626 F.2d 846, 850, 205 USPQ 1069, 1072 (CCPA 1980).

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHRZAD SPIELER whose telephone number is (571)270-1557. The examiner can normally be reached on Weekly 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Frederick Krass can be reached on 571-272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Gollamudi S Kishore, Ph.D/
Primary Examiner, Art Unit 1612

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